

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE

IN RE: JAMES D. DUNCAN

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No.: 3:20-MC-54-TAV-HBG

**MEMORANDUM OPINION**

After receiving a pro se prisoner's inmate trust account certificate for James D. Duncan, accompanied by a letter in which Mr. Duncan indicated that he intended to file that certificate in a case against Anderson County Mental Health Care Providers, James Landry, and Ridgeview Mental Health Services, for which he did not have a case number [Doc. 1], the Clerk opened this matter. Thereafter, the Clerk entered a deficiency notice notifying Plaintiff that he must file an application for leave to proceed *in forma pauperis* within twenty days of entry of that notice or this matter would be administratively closed [Doc. 2]. The United States Postal Service returned this notice as undeliverable [Doc. 3].

Mr. Duncan has now filed a motion for extension of the deadline to file the required documents to proceed *in forma pauperis* as set forth in the Clerk's deficiency notice [Doc. 4]. However, the Court notes that Mr. Duncan stated, in his letter accompanying his inmate trust account certificate, that he wished to file the certificate in an action against Anderson County Mental Health Care Providers, James Landry, and Ridgeview Mental Health Services, for which he did not have a case number [Doc. 1 p. 1]. But while Mr. Duncan has not filed an action against this individual or these entities in this District, he has filed a motion to permissively join as a plaintiff in a pending action that another prisoner filed in this District against Anderson County, James Landry, and Ridgeview

Mental Health Services. *Jett v. Anderson County, Tennessee, et al.*, Civil Action No. 3:20-CV-365-DCLC-HBG, Doc. 17. Thus, it is apparent from Plaintiff's filings in this case and in *Jett* that Mr. Duncan wished to file his inmate trust account statement in that pending matter, rather than file the instant action.

Accordingly, the Clerk will be **DIRECTED** to terminate Mr. Duncan's pending motion for extension [Doc. 4] and to file Mr. Duncan's prison trust fund account statement and accompanying letter [Doc. 1] in *Jett*, Civil Action No. 3:20-CV-365-DCLC-HBG. Accordingly, this action will be **DISMISSED without prejudice**.

**AN APPROPRIATE JUDGMENT ORDER WILL ENTER.**

s/ Thomas A. Varlan  
UNITED STATES DISTRICT JUDGE